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EXAMINER

KRISCIUNAS, LINDA MARY

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/008,254	<b>Applicant(s)</b> AMERASINGHE ET AL.	
	<b>Examiner</b> Linda Krisciunas	<b>Art Unit</b> 3623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5-6, 12-17, 19-21, 28-30 and 45-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 12-17, 19-21, 28-30 and 45-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This is a Final Office Action in response to amendments filed March 16, 2006. Claims 1-3, 5-6, 12-17, 19-21, 28-30 and 45-48 are pending with claims 45-48 being newly added. Claims 4, 7-11, 18, 22-27 and 31-44 are cancelled. Claims 1-2, 5-6, 12-13, 15-16, 19-21, and 28-29 are amended.

#### ***Response to Amendment***

2. The Examiner notes the statement of filing a terminal disclaimer with respect to the double patenting rejection.

#### ***Response to Arguments***

3. The applicant amended the claim language to include a forecast series block. The Examiner asserts that forecast series block, according to the Specification (page 9) states that the forecast series block is one where a user can create a weekly forecast over opportunities in the sales region. Sultan teaches generating a forecast over a selected time period (column 2, line 37) where each member can input their information and the forecasts can be aggregated into a global sales forecast (column 3, lines 20-30). Sultan also teaches a manager may view the forecast by rolling up the pipeline and forecast information for all those reporting directly or indirectly to him. The information can anticipate sales for multiple product lines or just one, for any time period, for all supervisors or for a single representative (column 11, lines 9-26). This is equivalent to the forecast series definition in the Specification as it performs an identical function in substantially the same manner with substantially the same results.

#### ***Claim Objections***

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4. Claim 30 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The claim references a canceled claim, claim 31.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sultan (US 6,804,657).

As per claims 1, 12, 15, 28, 31, 45 and 48, Sultan teaches a forecast series block to identify hierarchy data defining a hierarchy structure of the organization (column 2, lines 19-37 and column 11, lines 9-26, where the Specification (page 9) states that the forecast series block is one where a user can create a weekly forecast over opportunities in the sales region. Sultan teaches generating a forecast over a selected time period (column 2, line 37) where each member can input their information and the forecasts can be aggregated into a global sales forecast (column 3, lines 20-30). Sultan also teaches a manager may view the forecast by rolling up the pipeline and forecast

information for all those reporting directly or indirectly to him. The information can anticipate sales for multiple product lines or just one, for any time period, for all supervisors or for a single representative (column 11, lines 9-26). This is equivalent to the forecast series definition in the Specification as it performs an identical function in substantially the same manner with substantially the same results. Subsequent references to a "forecast series block" will also follow under this analysis, but it will not be repeated for each instance.), including data identifying a hierarchical position of each member of the organization (column 4, lines 24-30 and Figure 1, where it shows a hierarchical representation of the organization of a sales force) to identify a date and time to generate a forecast (column 2, lines 35-37), to identify members of the organization to be included in generation of the forecast (column 11, lines 9-67 and column 12, lines 1-11, where a regional manager may view a forecast by rolling up the forecast information of all those directly or indirectly reporting to him and a Division Head may generate a forecast of those reporting to him and the CEO can do the same by entering parameters. The database 310 is accessed and a forecast is generated corresponding to the parameters entered by aggregating the stored forecast information" Sultan teaches the system being adaptable to generate forecast reports with respect to various parameters, this is equivalent to a forecast series with parameters since it performs an identical function in substantially the same manner with substantially the same results), the members derived from the hierarchy (column 2, lines 35-37), and to identify a visibility mode for the forecast (column 2, lines 61-62 and column 5, line 18); an opportunity and revenue scheduling creation block to identify

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forecast data (column 5, line 57 and see also Figure 3); and a forecast creation block to generate the forecast (See Figure 3 and column 5, lines 46-54); and to identify forecast data to be automatically analyzed to generate the forecast. Official notice is taken that it is old and well known in the art to incorporate a push system or automatic option with respect to generating a forecast. One such instance is noted in Martin (US 2002/0107720). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the forecast system of Sultan with an automated forecasting option to provide a means for completing the forecast in an efficient manner so that it is not waiting on additional input from those that have not generated their respective forecasts.

As per claims 2, 16, 32 and 46, Sultan teaches the hierarchy structure comprises a plurality of management levels and wherein the forecast series block is further to define visibility rules that specify the forecast data that is visible to each management level to be stored on the storage device (column 7, lines 44-52: "The entered pipeline and sales information, however, should not be universally accessible by all members of the sales organization. For example, the member of the sales force occupying the Sales Manager position B11 should have access to the pipeline and forecast sales information entered and/or modified by his or her hierarchically-lower Account Supervisors B111, B112 and B113 and entered by those Account representatives (e.g., B1121-B1125, among others) that report to him." Where the permissions of access to information is equivalent to a visibility rule as it performs an identical function in substantially the same manner with substantially the same results); and wherein the

forecast creation block is further to generate a forecast for any management level of the organization (column 11, lines 9-26, where the Regional Manager may view pipeline or forecast information by rolling up the pipeline or forecast information for all those directly or indirectly reporting to him. Subsequently Division Managers and CEOs can perform the same task.), wherein each forecast that is generated is based on forecast data that are visible to the management level for which that forecast corresponds as specified by the visibility rules (column 5, lines 13-19: "In addition to being assigned a place within the hierarchical sales structure, each member of the sales force is assigned a permission level. According to the present invention, the permission level determines what information is available to each person within the sales force and in particular, what forecast information is visible, accessible and/or modifiable to and by each person.").

As per claims 3, 17 and 33, Sultan teaches a forecast generated for a manager where the visibility rules include a maximum hierarchy depth search value (n) defining a search scope such that the forecast is generated from the manager's own forecast data and from forecast member corresponding to members of the organization who are subordinates and equivalent managers ( $\leq n$ ). (Column 7, lines 47-64: "Sales Manager position B11 should have access to the pipeline and forecast sales information entered and/or modified by his or her hierarchically-lower Account Supervisors B111, B112 and B113 and entered by those Account representatives (e.g., B1121-B1125, among others) that report to him. However, the Sales Manager B11 may have no reason to access either pipeline or forecast information from Sales Managers B12, B13 (even though B12

and B13 belong to the same Division as B11) or that of any other Sales Manager or any hierarchically higher Regional manager, Division Head or CEO. To restrict access to the pipeline and/or forecast information, the assigned permission levels are used. In general, the permission levels for access pipeline and/or forecast information matches a sales force member's hierarchical position within the sales organization, unless such sales force member belongs to an "overlay organization" that participates in the opportunity and has permission to add information to it, but does not "own" the corresponding forecast." where the maximum depth as indicated by this rule would equal the total number of levels below the member with respect to hierarchy.)

As per claims 5, 19 and 35, Sultan teaches the opportunity and revenue scheduling creation block is further to enable a member of the organization to submit a forecast to a superior (see claim 1: "accepting original pipeline sales information remotely entered by members of the sales force over a computer network" here only those with a higher permission level can view and or modify the information which is equivalent to submitting it to a superior as it performs an identical function in substantially the same manner with substantially the same results); and prevent the member from modifying the forecast after it has been submitted (column 5, lines 15-24: "the permission level determines what information is available to each person within the sales force and in particular, what forecast information is visible, accessible and/or modifiable to and by each person." where "those with higher ranking positions would enjoy higher permission level than lower-level sales positions in the hierarchy". Official notice is taken that it is old and well known that once a document is submitted to a



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superior, the information cannot be modified unless the superior authorizes it. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a rule within the permission levels that allows the superior change control over information from subordinates in order to means for protecting the information.).

As per claims 6, 31, 36 and 47, Sultan teaches the forecast creation block is further to present the forecast data in a graphical format that enables comparing to related forecasts over time that are specified to be visible to that member (column 11, lines 9-12: "Regional Manager B3 may view a pipeline and/or a forecast by rolling up (summing) the pipeline and/or forecast information of all those directly or indirectly reporting to him." Where the pipeline contains multiple forecasts that are viewed simultaneously. The information is graphical as depicted in Figure 3: Forecast Summary by Product.).

As per claims 13 and 29, Sultan teaches the current forecast participant is a manager whose forecast is determined, in part, on forecasts that are submitted by one or more selected members of the organization who are subordinate to the manager and wherein the forecast creation block is comprising (column 2, lines 61-column 3, line 2: "Each member of the sales force of the company may be assigned a permission level, the assigned permission level determining which stored sales forecast information are aggregated in the real time sales forecast. A real time sales forecast may be generated by aggregating only stored sales forecast information and/or stored pipeline sales information of those members of the sales force having a lower permission level than a member of the sales force having requested the real time sales forecast."): generating a

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forecast for the manager based on a combination of forecasts submitted by one or more selected members and any forecast that are automatically generated (column 2, lines 34-37: "selectively aggregating the stored sales forecast information according to a hierarchy indicated by the hierarchical structure to generate, upon request, a real time sales forecast over a selected time period.", and automatically generating a forecast for any member among one or more selected members who has yet to submit a forecast. Official notice is taken that it is old and well known in the art to incorporate a push system or automatic option with respect to generating a forecast. One such instance is noted in Martin (US 2002/0107720). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the forecast system of Sultan with an automated forecasting option to provide a means for completing the forecast in an efficient manner so that it is not waiting on additional input from those that have not generated their respective forecasts.).

As per claims 14 and 30, Sultan teaches the manager occupies at least a second level of management in the organization's hierarchy and automatically calculating forecasts for one or more selected members of the organization who are subordinate to the manager and have not submitted their forecast is applied in a recursive manner from lower levels to higher levels in the organization's hierarchy (column 3, lines 16-41: "comprising the steps of defining a hierarchical structure representative of an organization of an entire sales force of the multi-national company; providing a remotely accessible Internet application, the Internet application being configured to allow each member of the sales force to remotely input pipeline and/or forecast sales information

via an Internet browser and to store the at least one of inputted sales and forecast information in a single database; selectively allowing the pipeline and/or sales information to be rolled up the hierarchical structure upon request and summed to generate the aggregate sales forecast over a selected time period. The rolling up step may be carried out to a highest level in the hierarchical structure and the aggregate sales forecast may be a global sales forecast for the multi-national company. The selectively allowing step may include steps of assigning a permission level to each salesperson within the sales force according to a position of each member of the sales force within the hierarchical structure and the assigned permission level may determine what pipeline and/or sales forecast information may be included in the aggregated sales forecast. At least the Chief Operating Officer (CEO) of the multi-national company may be assigned a highest permission level. The selectively allowing step may further include steps of assigning a special permission level to a person, the special permission level being uncorrelated to a position of the person within the hierarchical structure.”).

Official notice is taken that it is old and well known in the art to incorporate a push system or automatic option with respect to generating a forecast. One such instance is noted in Martin (US 2002/0107720). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the forecast system of Sultan with an automated forecasting option to provide a means for completing the forecast in an efficient manner so that it is not waiting on additional input from those that have not generated their respective forecasts.

As per claims 20, Sultan teaches the forecast creation block is further to enable the superior that received the forecast to unsubmit the forecast such that the member that submitted it can modify the forecast (column 7, lines 15-22: "Therefore, persons within the sales force occupying positions within the hierarchy that are higher than that of the sales person having entered the pipeline information may modify pipeline sales information included in the original pipeline sales information by increasing or decreasing it, at their discretion. This modified pipeline sales information then, according to the present invention, becomes forecast information." Indicates the superior has the ability to change the data at their discretion which includes allowing the submitter to change it instead of the superior. Official notice is taken that it is old and well known in document management to send information back for a revision or update. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a revision mechanism to provide a means for updating information or correcting errors.).

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
8. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Krisciunas whose telephone number is 571-272-6931. The examiner can normally be reached on Monday through Friday, 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LMK

*LMK*  
*April 12, 2006*

  
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